

REMARKS

In response to the Office Action dated April 18, 2008, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

The drawings were objected to. The specification has been amended to be consistent with Figure 2.

Claims 10, 11, 22, 23, 25, 28 and 29 have been canceled, without prejudice or disclaimer, to expedite prosecution. Such cancellation should not be construed as acquiescence in any rejections.

Claims 24-29 were rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Claim 24 has been amended to recite a computer program embodied on a computer-readable medium for execution by a computer to address this rejection.

Claims 1-3, 7-9, 12-14, 18-21, and 24-27 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Sinex. Claims 4-6 and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sinex. Claims 10-11, 22-23, and 28-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sinex in view of Ferriter. As features of claims 10-11, 22-23 and 28-29 have been incorporated into the independent claims, patentability of the pending claims is discussed with reference to Sinex in view of Ferriter.

Claim 1 recites, *inter alia*, “wherein if after an item on the to-do list is selected, an exception option displayed on the first display monitor is selected with the first input device, the activities-recording computer stores an exception start time indication in the first memory device, the exception option including a menu of exception categories denoting events that divert the first technician away from working on the item for a period of time, the technician selecting one of the exception categories;

wherein if after an item on the to-do list is selected, a jeopardy option displayed on the first display monitor is selected, the activities-recording computer stores a jeopardy identifier in the first memory device, the jeopardy identifier indicating that a problem has been encountered preventing the item from being worked on, the jeopardy identifier including a jeopardy code describing the type of problem.”

In applying the references, the Examiner relied on Ferriter as teaching the exception option and the jeopardy identifier. Ferriter broadly teaches a suspension option that pauses the time accrued in completing a task (column 5, lines 35-44). Even if the suspension option is construed to be a general exception, Ferriter does not teach that the “exception option including a menu of exception categories” as recited in claim 1. The Examiner interpreted the reason for delay in Sinex as corresponding to the claimed jeopardy identifier. The reason for delay in Sinex is relevant to the suspension option in Ferriter. Both the suspension option of Ferriter and the reason for delay in Sinex relate to a pause in processing a task. Assuming, *arugendo*, that Sinex and Ferriter can be combined to teach a delay and reason for delay option, there is still no teaching of a further jeopardy option and associated jeopardy identifier and jeopardy code of claim 1. Thus, even if Sinex and Ferriter are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Sinex in view of Ferriter. Claims 2-9 variously depend from claim 1 and are patentable over Sinex in view of Ferriter for at least the reasons advanced with reference to claim 1.

Claims 12 and 24, as amended, recite features similar to those discussed above with reference to claim 1 and are patentable over Sinex in view of Ferriter for at least the reasons advanced with reference to claim 1. Claims 13-21 and claims 26-27 depend from claims 12 and 24, respectively, and are considered patentable for at least the same reasons.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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